

09/871390

attach. to paper #11.

## ANNEX

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT:	MAUDE ET AL.	)
		)
SERIAL NUMBER:	09/871,390	) Group Art Unit:
		) 2854
FILED:	MAY 31, 2001	)
		) Before the Examiner:
FOR:	PROCESS FOR APPLYING A	) Leslie Evanisko
	DECORATIVE PATTERN TO	)
	EARPLUGS	)

Assistant Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION UNDER 37 CFR 1.131**

Daniel A. Maude and John Jurney, the undersigned, hereby declare and say  
that:

1. We are the sole inventors of the invention claimed in the above-identified patent application.
2. We conceived in the United States the invention disclosed and claimed in the above-identified patent application prior to March 14, 2000 and then worked on diligently reducing the invention to practice in the United States prior to March 14, 2000 and further diligently reduced the invention to practice in the United States by filing an application for patent in the United States Patent & Trademark Office.

3. As evidence in support of this prior conception, diligence, and reduction to practice, submitted herewith is the following evidence of activity performed in the United States.

(a) Exhibit A is a copy of a Record of Invention Disclosure, with dates redacted, prepared by us prior to March 14, 2000 showing conception of the invention. Exhibit A clearly discloses the claimed subject matter of the above-identified application for patent. Particularly, the Record of Invention Disclosure describes a method of decorating earplugs to allow for printing on multiple surfaces of the earplug. The decoration is described as including custom logos, printer text, and other patterns. The Record of Invention Disclosure further teaches a method of orienting and conveying earplugs past a printing machine to apply such decoration.

(b) With respect to reduction to practice, on May 31, 2000 we filed U.S. Provisional Patent Application Serial No. 60/208,250 concerning the invention described in the Record of Invention Disclosure of Exhibit A, and on May 31, 2001 we filed the present nonprovisional patent application concerning the invention and claiming priority to the above-mentioned provisional application, thus effecting a constructive reduction to practice.

(c) With respect to diligently reducing the invention to practice, it is our understanding that Exhibit B includes an internal letter of Aearo Company (Assignee of the present application), sent November 19, 1999, which officially reports the Record of Invention Disclosure of Exhibit A to the Aearo Company Legal Department. Further, it is our understanding that our disclosure of the

invention to the Aearo Company Legal Department was taken up and processed with reasonable diligence.

(d) With respect to diligently reducing the invention to practice, it is our understanding that Exhibit C includes an Aearo Company letter sent on March 10, 2000 to outside patent counsel, Cantor Colburn LLP, enclosing the Record of Invention Disclosure of Exhibit A with regard to initiating preparation of an application for patent on the disclosed invention.

(e) It is further our understanding that Cantor Colburn LLP, after receiving the letter shown in Exhibit C, exercised reasonable diligence in preparing a draft of the application. It is also our understanding that within weeks of receiving the letter of Exhibit C, Cantor Colburn LLP began preparation of a draft application and then sent the draft application to us for our review on May 18, 2000 and then again on May 24, 2000, as shown in Exhibit D. With reasonable diligence, we reviewed and approved the draft application and such was then filed by Cantor Colburn LLP in the United States Patent and Trademark Office on May 31, 2000 as U.S. Provisional Application 60/208.250. It is our understanding that the present application was then filed on May 31, 2001 claiming priority to the provisional application.

4. The undersigned declares that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine

or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Date:

3/25/03

Daniel A. Maude

Date:

3/25/03

Joan Jurney

# **EXHIBIT A**

# Aearo Company

## Record of Invention Disclosure

R.I.D. No. 033

**Title: Earplug Printing**

**Description:**

A method to decorate polyurethane or PVC earplugs to allow for printing on multiple surfaces of the earplug. Earplugs can be decorated and uniquely identified with the addition of a contrasting colored ink or dye. The decoration would be used for custom logos, printer text and other patterns used for graphic styling or earplug identification. The decoration can be placed along the length of the plug as well as on either end of the plug. This process is not limited to specific or single colors.

Specifically, a method to orient and convey earplugs past a high-speed printing machine is used to accomplish this process. Alignment of the printer(s) to the earplug allows for printing on all sides and ends of the earplug. Through high-speed automation, the pattern of the graphic would be repeatable and consistent from earplug to earplug.

Date:

**Aearo Company - R.I.D.**

Date:

page 2

Title:

R.I.D. No. 033**Date of Conception:**

(The date on which a definite means or method for accomplishing a desired result first occurred to the inventor(s).)

Has the invention, to the knowledge of the inventor(s), been:

a) described in a printed publication? ? yes

X no

b) placed on sale or in commercial use? ? yes

X no

If you answered "yes" to either a) or b), please describe:

**Inventor(s)**Daniel A. Maude

Name of Inventor

Daniel A. Maude

Signature

John Jurney

Name of Inventor

John Jurney

Signature

\_\_\_\_\_  
Name of Inventor\_\_\_\_\_  
Signature\_\_\_\_\_  
Date\_\_\_\_\_  
Name of Inventor\_\_\_\_\_  
Signature\_\_\_\_\_  
Date**Witness(es):**

Explained to and understood by me this \_\_\_\_\_ day of \_\_\_\_\_

MICHAEL BIRDWELL

Name of Witness

Michael Birdwell

Signature

Explained to and understood by me this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Name of Witness\_\_\_\_\_  
Signature\_\_\_\_\_  
Date



## **EXHIBIT B**

**Aearo**

Aearo Company  
7911 Zionsville Road  
Indianapolis, IN 46268-1657  
317-692-6666 Fax: 317-692-3116

November 13, 1999

Mary Alice Osterbauer  
Aearo Company  
90 Mechanic Street  
Southbridge MA 01550

Re: Record of Invention #033  
Earplug Printing

Dear Mary:

R.I.D. #033 for "Earplug Printing" is enclosed.

If you have any questions, you can reach me at the number shown below. Thank you for your assistance.

Yours truly,



Cyd Kladden  
Technical Secretary  
317-692-3066

Enc

# **EXHIBIT C**

# Aearo

E-A-R/Aearo Company  
7911 Zionville Road  
Indianapolis, IN 46268

# Fax

To: Mike Cantor

From: Richard Knauer  
317-692-3033 (phone)  
317-692-3116 - Fax

Date: March 10, 2000

# Pages (including cover): 4

Attached please find a copy of RID #33 which was written up and submitted. This RID specifically dealt with the concept of printing designs on the sides of plugs.

**EXHIBIT D**

**Cantor Colburn LLP***Intellectual Property Attorneys*

55 Griffin Road South  
Bloomfield, Connecticut 06002  
phone: 860-286-2929  
fax: 860-286-0115

101 Merritt 7  
Norwalk, Connecticut 06856  
phone: 203-849-8266  
fax: 203-849-8292

e-mail: [iplaw@cantorcolburn.com](mailto:iplaw@cantorcolburn.com)  
web: [www.cantorcolburn.com](http://www.cantorcolburn.com)



Michael A. Cantor  
Philmore H. Colburn II  
Keith J. Murphy  
Leah M. Reimer, Ph.D.

David A. Fox  
William J. Cass  
Edward J. Ellis  
Michael J. Rye  
Pamela J. Curbelo\*  
Andrew C. Ryan  
Gerow D. Brill  
Robert J. Felton  
Juan C. Villar\*  
Ralph J. Crispino\*  
Wayne R. Grohs  
Christopher C. Boehm  
Ross J. Christie  
Timothy J. Olson  
Priya M. Mannan  
H. M. Beddingfield  
Steven B. Leavitt  
Steven M. Coyle  
Linda A. P. Cunha\*  
Andrew S. Brenic  
Charles F. O'Brien  
George A. Pelletier, Jr.\*  
Amir H. Behnia\*  
Troy J. LaMontagne  
Deborah B. Crenshaw\*  
Leonard E. Heyman

of counsel:

David S. Fishman  
Richard A. Menely

patent agent:

George J. Lyman  
J. Michael Buchanan, Ph.D.  
Karen A. Jalbert  
Frank E. Tian

\*Not admitted in Connecticut

May 18, 2000

Richard E. Knauer  
AEARO COMPANY  
7911 Zionsville Road  
Indianapolis, Indiana 46268

Re: New U.S. Patent Application  
For: PROCESS FOR APPLYING A DECORATIVE PATTERN  
TO EARPLUGS  
Our Ref: CAO-0090

Dear Dick:

Enclosed is a draft of a proposed patent application covering the above-identified invention.

The application should be reviewed carefully by the inventor(s) and anyone else having technical responsibility for the invention. Please advise if there is any question as to who should be named as an inventor. Otherwise, we will assume the inventor(s) are correctly identified in the "Re" section of this letter.

After review of the application is complete, please advise us of any comments, suggestions, corrections, changes, or supplementary information. Please call if only a few minor changes appear to be necessary.

With best regards,

Very truly yours,

Edward J. Ellis

EJE/smm

Enclosure: Proposed Patent Application

FAX RECEIVED

APR 28 2003

TECHNOLOGY CENTER 2800